

Act No. 5

Public Acts of 1998

Approved by the Governor

February 6, 1998

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STATE OF MICHIGAN

89TH LEGISLATURE

REGULAR SESSION OF 1998

Introduced by Reps. Dobronski, Crissman, Martinez, Brackenridge, Freeman, Hammerstrom, Quarles, Cassis and DeHart

## ENROLLED HOUSE BILL No. 5084

AN ACT to amend 1990 PA 345, entitled "An act to create a state survey and remonumentation commission and to prescribe its powers and duties; to provide for the appointment of an executive director; to provide for a contract for the services of a state geodetic advisor; to create the state survey and remonumentation fund and to provide for its use; to coordinate and implement the monumentation and remonumentation of property controlling corners in this state and coordinate the establishment of geographic information systems; and to provide for certain powers and duties of certain state and local officers and agencies," by amending sections 2, 6, 8, and 12 (MCL 54.262, 54.266, 54.268, and 54.272).

The People of the State of Michigan enact:

Sec. 2. As used in this act:

- (a) "Commission" means the director of the department of consumer and industry services.
- (b) "County plan" means a county monumentation and remonumentation plan under section 8.
- (c) "Executive director" means the person appointed to that office under section 7.
- (d) "Fund" means the state survey and remonumentation fund created in section 11.
- (e) "Property controlling corner" for a property means a public land survey corner or any property corner that does not lie on a property line of the property in question but that controls the location of 1 or more of the property corners of the property in question.

Sec. 6. (1) The commission shall do all of the following:

- (a) Coordinate the restoration, maintenance, and the preservation of the land survey records of vertical and horizontal monuments, the public land survey system, and the property controlling corners established by the United States public land survey and by the national geodetic survey within this state, including, but not necessarily limited to, all pertinent field notes, plats, and documents; and coordinate the restoration, establishment, maintenance, and preservation of other boundary records otherwise established by law, or considered by the commission to be of importance.
- (b) Establish, maintain, and provide safe storage facilities for a comprehensive system of recordation and dissemination of land information records.
- (c) Coordinate the extension, densification, and maintenance of the horizontal and vertical control networks initiated by the federal government through the national geodetic survey and the United States geological survey.
- (d) Coordinate the collection and preservation of information obtained from surveys made by persons or organizations authorized to establish monuments or land boundaries, and to assist in proper recording of monuments or land boundaries by county surveyors or registers of deeds.
- (e) Foster, encourage, and promote the establishment of remonumentation programs in every county in this state.
- (f) Establish and maintain a data base of information on approved monumented horizontal and vertical control in this state.
- (g) On or before October 1, 1993, and biennially after October 1, 1993, submit a report to the legislature. The report shall include, but not be limited to, all of the following:
  - (i) A summary of the commission's activities regarding administration of this act.
  - (ii) An assessment of the progress of the implementation of county monumentation and remonumentation plans throughout this state.
  - (iii) A statement regarding the amount of money that was received and disbursed from the fund.
  - (iv) An assessment of how much money is necessary to carry out monumentation or remonumentation of the entire state.
  - (v) An assessment of whether the money received in the fund is adequate to implement this act.
  - (vi) Recommendations including, but not limited to, the level of funding that is necessary to implement this act.
- (h) On or before October 1, 1993, submit a copy of the initial report that is prepared pursuant to subdivision (g) to the county board of commissioners of each county of this state.
- (i) Establish and administer a grant program to counties to implement this act.
- (2) If a county or 2 or more counties elect to expedite the county's or counties' plan as provided in section 8 (5), the commission shall enter into a contract described in section 8(5) to pay or reimburse the costs of

expediting the plan. The amount expended or borrowed for expediting the county's or counties' plan shall be paid from the fund as provided in section 12(2) and (4).

Sec. 8. (1) Each county shall establish a county monumentation and remonumentation plan. Not later than 1 year after the effective date of this act, the commission shall create and distribute a model county plan that may be adopted by a county with any changes appropriate for that county. Not later than January 1, 1994, each county shall have submitted a county plan that is approved by the commission.

(2) A county plan shall provide for all of the following:

(a) The monumentation or remonumentation of the entire county, within 20 years, under the guidelines of the manual of instructions for the survey of the public lands of the United States, 1973, prepared by the bureau of land management of the department of interior, technical bulletin 6, or subsequent editions.

(b) The provision of copies of all survey monumentation information produced by the county plan to the county surveyor and the commission.

(c) The filing with the county surveyor and the commission of copies of all monumentation or remonumentation documents required to be recorded with the register of deeds under the corner recordation act, 1970 PA 74, MCL 54.201 to 54.210d, or recorded with the register of deeds pursuant to 1970 PA 132, MCL 54.211 to 54.213.

(d) A perpetual monument maintenance plan that provides for all corners to be checked, and if necessary remonumented, at least once every 20 years.

(e) Any other provisions reasonably required by the commission for purposes of this act.

(3) Two or more contiguous counties may submit a multicounty plan, which shall meet the same requirements within each member county as are established for a county plan under this act.

(4) If a county fails to establish and submit a plan that is approved by the commission within the time required under subsection (1), the commission shall initiate and contract for the implementation of a county plan in that county pursuant to section 10.

(5) Upon the establishment and approval by the commission of a county plan, a county may expend or borrow funds to expedite the completion of its plan. If a county or 2 or more counties elect to expend or borrow funds to expedite their county plan, the commission shall enter into a contract to provide that the costs to expedite that plan are reimbursed or paid from the fund as provided in section 12(2) and (4).

(6) A county or 2 or more counties that expended or borrowed money to expedite their county plan after January 1, 1991 may recapture costs expended or borrowed and used to expedite that plan, which shall be paid out of the fund as provided in section 12(2) and (4). The commission shall pay those costs to the county over a period of not less than 10 years.

Sec. 12. (1) Money in the fund shall be used by the commission for the following purposes:

(a) Annual grants to the various counties to implement their county plans, excluding the perpetual monument maintenance plan described in section 8(2)(d).

(b) Annual grants to 2 or more counties to implement their multicounty plan, excluding the perpetual monument maintenance plan described in section 8(2)(d).

(c) The implementation of county plans that are initiated and contracted for by the commission pursuant to

section8(4).

(d) An annual grant to each county that has a county plan or to 2 or more counties that have a multicounty plan to implement the perpetual monument maintenance plan described in section 8(2)(d). The commission shall make not less than 5% of the total amount of the fund available for grants under this subdivision.

(e) The payment of contracts that are entered into by the commission under section 10.

(f) Other activities necessary, incidental, or appropriate to implement this act.

(2) In addition to the purposes described in subsection (1), money in the fund shall be used to pay the costs of expediting a plan or to reimburse the cost described in section 8(6), for a county or 2 or more counties that have elected to expend or borrow funds to expedite the implementation of the county's or counties' plan.

(3) Of the money collected and remitted to the state treasurer for deposit in the fund pursuant to section 2567a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567a, both of the following shall apply:

(a) An annual grant to a county pursuant to subsection (1)(a) or to 2 or more counties pursuant to subsection (1)(b) shall be in an amount that is not less than 40% of the amount of money collected in that county or those counties, as applicable, under section 2567a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567a, during the calendar year immediately preceding the year in which the grant is made.

(b) If the commission initiates and contracts for the implementation of a county plan for a county pursuant to section8(4), the commission shall annually spend an amount that is not less than 40% of the amount of money collected in that county pursuant to section 2567a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2567a, during the calendar year immediately preceding the year in which the expenditure is made, to implement that county plan.

(4) If the commission contracts with a county or 2 or more counties that elect to expend or borrow funds to expedite the implementation of the county's or counties' plan pursuant to section 6(2), the commission shall annually pay to that county or counties in lieu of any grant or payments under subsection (3) an amount that is not less than 40% of the amount of money collected in that county or counties under section 2567a of the revised judicature act of 1961, 1961 PA236, MCL 600.2567a, during the calendar year and will be paid in annual installments until the contract is paid in full.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved

Governor.